IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE FOURTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

HON'BLE MR. JUSTICE B. SUDERSHAN REDDY

and
HON'BLE MR. JUSTICE C.V.RAMULU

WRIT APPEAL No.1981 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 24/12/2002 in W.P.No.9256 OF 1994 on the file of the High Court.)

Between:

1 The Joint Collector, Nellore, Nellore District.
2 The Sub-Collector, Gudur, Nellore District.
3 The Mandal Revenue Officer, Kota Mandal, Nellore District.

..... APPELLANTS

AND

1 Avula Masthanaiah, s/o Subbaiah,
R/o Uttama Nellore Village, Kota Mandalam, Nellore District.
2 Akula Venkaiah, s/o Polaiah,
R/o Uttama Nellore Village, Kota Mandalam, Nellore District.

.....RESPONDENTS

Counsel for the Appellants :Govt.Pleader for Assignment

Counsel for the Respondents : Mr. M.P.Chandramouli

The Court made the following :

ORAL JUDGMENT: (Per Hon'ble Mr. Justice B.Sudershan Reddy)

It is unfortunate that even the instrumentalities of the State are indulging in speculative litigation. The D-Form pattas are admittedly granted in favour of respondents on

13-12-1961. The impugned show cause notice dated 22-04-1994 required the respondents – writ petitioners to show cause as to why the assignment granted in their favour on 13-12-1961 should not be cancelled on the ground that the assignees have failed to bring the land under personal cultivation within a period of three years from the date of assignment. It is difficult to believe that the action is a bona fide one since law is set in motion after a period of 33 years on the allegation that the assignees have failed to bring the land under personal cultivation within a period of three years from the date of assignment. It is not known what the authorities were doing for a period of three decades if really the land was not brought under cultivation. It is under those circumstances the learned single Judge came to the right conclusion that the show cause notice itself suffers from incurable legal infirmities and perhaps triggered due to extraneous reasons.

The Writ Appeal fails and shall accordingly stand dismissed.

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B.SUDERSHAN REDDY, J

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C.V.RAMULU, J

14-12-2004

bsc

To

1 The Joint Collector, Nellore, Nellore District.
2 The Sub-Collector, Gudur, Nellore District.
3 The Mandal Revenue Officer, Kota Mandal, Nellore District.

4 2 CCs to Govt. Pleader for Assignments, High Court buildings,

Hyderabad (OUT)

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